

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

## **5.19-100 Tree Felling Permit**

### **Subsections:**

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#### **5.19-105 Purpose**

This Section ensures that tree felling is as specified in Metro Plan policies which call for the retention of natural vegetation, natural water features and drainageways, scenic quality, wildlife habitat and archaeological sites to the maximum extent possible within the city limits and the City's urban services area. Timber harvesting is secondary to preservation of other natural resources and cultural values within the Urban Growth Boundary. The natural amenities of developable properties shall be retained to enhance their future urban use in the Metro Plan, until these properties are ready for urban development. Significant tree removal shall be permitted only when specific development plans have been approved by the City, consistent with plan policies and City development regulations. Interim removal of trees may be permitted if the removal does not significantly detract from the natural and cultural amenities that make a particular site attractive for future urban development.

#### **5.19-110 Applicability**

- A.** A Tree Felling Permit shall be required prior to the felling of more than five trees 5-inch dbh (diameter at breast height) or larger within a period of 12 consecutive months from a lot/parcel of private property under common ownership consisting of 10,000 square feet or more of total area.
- B. EXCEPTIONS:** No Tree Felling Permit will be required in the following instances:
1. The action of the Director and/or Public Works Director or any public utility necessary to remove or alleviate an immediate danger to life or property, to restore utility service or to reopen a public street to traffic.
  2. Any felling necessary to install or maintain improvements, including, but not limited to: streets and sewers within publicly owned and accepted rights-of-way or utility easements pursuant to approved construction plans or encroachment permits.

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3. Felling of trees that obstruct vision clearance at intersections as specified in SDC 4.2-130.
4. Where a Tree Felling Permit has been issued that includes a tree protection plan incorporating a procedure for tree removal, or designating specific trees to be removed within established building envelopes identified in an approved Subdivision or Partition, no additional Tree Felling Permit shall be required.

<b>5.19-115</b>	<b>Review</b>
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A Tree Felling Permit shall be reviewed under Type 2 procedure and/or in conjunction with a related development plan.

<b>5.19-120</b>	<b>Submittal Requirements</b>
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Application for a permit to fell a tree or trees shall include:

- A. The name, address and telephone number of the applicant; species or common tree names; the reason for felling; a Plot Plan showing the location of trees to be removed and their sizes; the method of tree removal and the hauling route to be used; and
- B. A description of any plan (Vegetation and Re-vegetation Report) to replace, landscape, or otherwise reduce the effect of the felling that addresses the applicable criteria in Section 5.19-125.
- C. The Director or the Public Works Director may require the applicant to provide the services of a professional forester (approved by the City), licensed hydrologist or licensed landscape architect in order to address the standards in SDC 5.19-125 for undeveloped property greater than 10 acres in size of 15 percent slope or above an elevation of 670 feet.

<b>5.19-125</b>	<b>Criteria</b>
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The Director, in consultation with the Fire Chief shall approve, approve with conditions or deny the request based on the following criteria:

- A. Whether the conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety warrants the proposed felling.
- B. Whether the proposed felling is consistent with State standards, Metro Plan policies and City Ordinances and provisions affecting the environmental quality of the area, including

but not limited to, the protection of nearby trees and windbreaks; wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

- C.** Whether it is necessary to remove trees in order to construct proposed improvements as specified in an approved development plan, grading permits and construction drawings.
- D.** In the event that no Development Plan has been approved by the City, felling of trees will be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City development regulations, and consistent with the following criteria.

  - 1.** Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;
  - 2.** Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained;
  - 3.** Wooded areas along ridge lines and hilltops shall be retained for their scenic and wildlife value;
  - 4.** Wooded areas along property lines shall be retained to serve as buffers from adjacent properties;
  - 5.** Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow;
  - 6.** Large-scale clear-cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.
- E.** Whether the applicant's proposed replanting of new trees or vegetation is an adequate substitute for the trees to be felled.
- F.** Whether slash left on the property poses significant fire hazard or liability to the City.
- G.** Whether the felling is consistent with the guidelines specified in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region.
- H.** Whether transportation of equipment to and equipment and trees from the site can be accomplished without a major disturbance to nearby residents.

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<b>5.19-130</b>	<b>Conditions</b>
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The Director may place conditions on the applicant's Plot Plan in order to meet the standards in SDC 5.19-125.

- A.** If issuance of the Tree Felling Permit shall be conditioned upon the applicant's proposed plan to replace the trees, landscape, or otherwise reduce the effects of the felling, the time within which the plan is to be completed shall be specified on the permit.
- B.** The Director may require a surety bond to guarantee that any conditions imposed on tree felling are met and to insure against damage to City facilities.
- C.** Failure to comply with a condition of a Tree Felling Permit within the designated time is a violation of this Section.